

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
(Eastern Division)**

KPM ANALYTICS NORTH AMERICA  
CORPORATION,

Plaintiff,

v.

BLUE SUN SCIENTIFIC, LLC, *et al.*

Defendants.

Case No. 4:21-cv-10572-TSH

**AFFIDAVIT OF IRVIN LUCAS IN SUPPORT OF THE ENTITY  
DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION FOR ENTRY OF  
JUDGMENT IN FAVOR OF PLAINTIFF ON ITS CHAPTER 93A COUNT**

1. I, Irvin Lucas, certify that I have personal knowledge of the facts set forth herein. I am over the age of eighteen, I currently reside at 6835 Laurel Canyon Blvd, Apt 110, North Hollywood, CA 91605, and am fully competent to testify to the facts in this declaration.

2. I am President of Defendant Blue Sun Scientific, LLC ("Blue Sun"), a Maryland Limited Liability Company, whose address is 8017 Dorsey Run Rd., Jessup MD 20794.

3. As soon as the preliminary injunction was entered in the summer of 2021 Blue Sun and ITG adopted seven significant measures to ensure compliance. We:

- reviewed all our existing accounts, flagging any that would violate the preliminary injunction, and modified our sales pipeline to flagged accounts;
- instructed all personnel to not use KPM's UCal™ for any reason, and no longer communicate with any KPM employees;
- offered the return of Arnold Eilert's computer containing UCal™ and customer information; and
- entirely ceased supporting all known KPM instruments and customers.

**EXHIBIT 2**

4. The financial impact of compliance can be seen in Blue Sun's gross revenue and net profit in 2021-22 as follows:

Year	Gross Revenue	Profit (Net Income)
2018	\$48,411	\$46,468
2019	\$298,947	\$3,774
2020	\$1,489,508	\$198,887
2021	\$1,513,070	-\$20,009
2022	\$2,234,497	-\$95,907
<b>Totals</b>	<b>\$5,584,433</b>	<b>\$132,813</b>
<b>Average</b>	<b>\$1,116,886</b>	<b>\$26,562</b>

5. During trial I testified that R&R Machine Works approached Blue Sun in 2019 to design a new customized NIR instrument to meet R&R's specialized technical requirements for a NIR analyzer capable of operation in harsh production environments. Trial Testimony Day 5, pages 107-109 (Lucas). R&R wanted to resell these new system under their own R&R brand. R&R did not purchase a Phoenix® instrument from Blue Sun, but rather a customized solution. The Blue Sun Phoenix® would not meet their requirements because it is designed and built to operate in temperature-controlled laboratories not production environments. R&R had approached KPM as well but KPM declined. Id, accord Trial Testimony Day 6, pages 99-101 (Glenister). Our design effort took over 300 hours of engineering time and resulted in numerous hardware and software differences between the Blue Sun Phoenix® and R&R Analyzer. R&R purchased five R&R Analyzers from Blue Sun prior to this lawsuit and ten more after the lawsuit was filed.

6. KPM contends that "*Blue Sun and ITG cannot legitimately claim that they did not violate the injunction on the specious argument that sales to R&R were for resale as an OEM Sale*" (citing Ms. Glenister's "admission" they were sales of Phoenix analyzers to R&R. Day 6, Tr. 113:18-114:3). There was no such admission. Ms. Glenister simply failed to note the loaded preface to the question posed by KPM's attorney: "*So when Blue Sun sold Phoenix analyzers to R&R...*" I attach a copy of R&R's current catalog section for their "R&R Analyzer" supplied by the Entity Defendants. Appendix A: excerpt of R&R Catalog Winter 2022. The advertised

features reflect R&R's custom technical requirements, and there is no ITG or Blue Sun branding anywhere in the instrument. Based on all of the facts, I and my colleagues at Blue Sun and ITG made a conscious and informed decision that sales of unbranded OEM analyzers that differed structurally and functionally from The Blue Sun Phoenix® were not sales of a "Phoenix Near-Infrared analyzer product" to R&R in violation of the preliminary injunction.

7. In addition, KPM contends that Blue Sun violated the preliminary injunction by selling to "Idahoan", however, Idahoan has multiple different locations each employing different people, and each location makes completely independent buying decisions. Idahoan at Idaho Falls had no NIR instruments, had tested out a KPM SpectraStar, but ultimately purchased a Blue Sun Phoenix® analyzer on August 16, 2021—prior to the preliminary injunction. When the preliminary injunction was issued we reviewed our existing accounts and flagged Idahoan as a known KPM customer. However, when the preliminary injunction was modified we determined that Idahoan - Idaho Falls was the only location that fit the revised criteria because it was the only location known to be a KPM customer. Idahoan – Lewisville had never been solicited by any of the individual defendants, and so Blue Sun's January 26, 2022, sale of a Phoenix® to Lee Shelton of Idahoan – Lewisville did not violate the injunction. Similarly, Idahoan – Rupert had never been solicited by any individual defendant, and so Blue Sun's June 2, 2022, sale of a Phoenix to BJ Leonard of Idahoan – Rupert also did not violate the preliminary injunction.

8. To the best of Blue Sun's knowledge, none of Blue Sun, ITG or any of the individual defendants have ever violated the preliminary injunction, as originally issued or in modified form.



\*\*\*\*\*

I declare, under penalty of perjury of the United States of America that the foregoing is true and correct to the best of my present knowledge.

By: Irvin Lucas 7/11/23  
Irvin Lucas Date

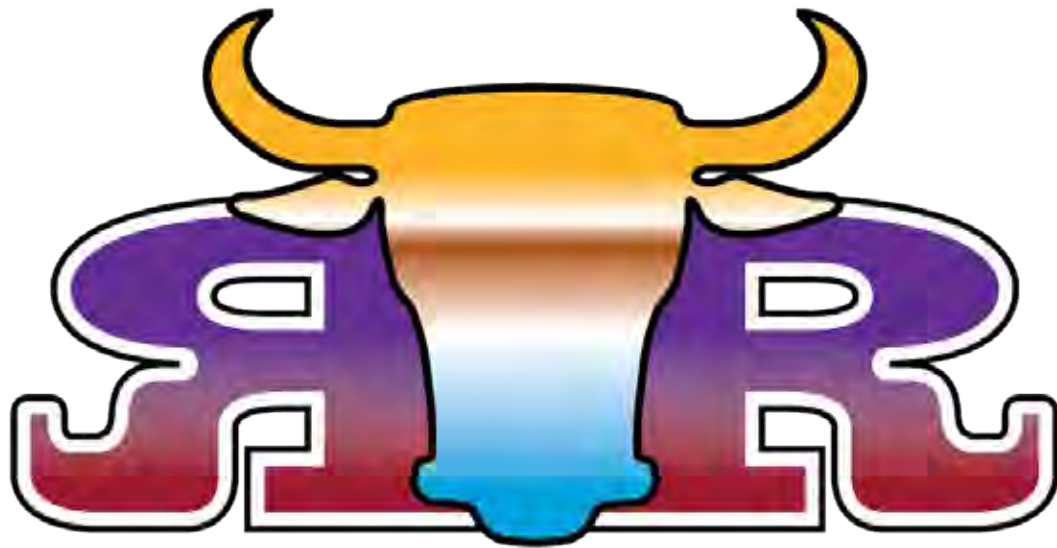
STATE OF CALIFORNIA )  
) ss:  
COUNTY OF LOS ANGELES )

On this 11th day of July 2023, before me personally came Irvin Lucas, <sup>produced CA DL</sup> ~~known to me~~ to be the individual described in and who executed the foregoing affidavit, and duly acknowledged to me that he executed the same and is the person described in the above affidavit; and that he signed his name hereto.

[Signature]  
Notary Public  
[SEAL]







**R&R MACHINE WORKS**

Watch Video at  
[www.randrmachineworks.com](http://www.randrmachineworks.com)



*Serving the Animal Feed Industry Worldwide Since 1976!*

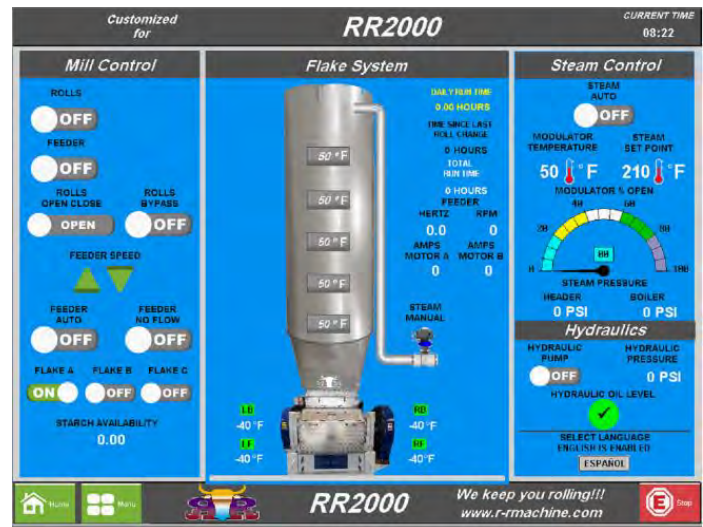
# Automation

## RR 2000

### Controls:

- Flake Weight
  - o Multiple pre-set Flake Weights
  - o Flake Weight can be easily fine-tuned (thicker/thinner)
- Maintain Flake Weight Automatically
- Open/Close Steam valves via electronic actuators
- System Startup – one-click startup of system prior to engaging flaking
  - o Control by temperature
  - o Control remotely
- Start/Stop Feeder Cabinet
  - o Feeder speed adjustment / shutdown if empty
  - o Feeder speed easily fine-tuned (up/down)
- Start/Stop Roll Motors
- Open/Close Rolls
  - o Side to Side roll gap can be easily fine-tuned
- Auto Control Steam Modulation Valve
- “Cold Spot” Management
  - o Detects undesirable temperature drop in steam chest and adjusts automatically
- Auto Steam Shut-Off During Power Failure
- System Startup – one-click startup of system
  - o Controlled by temperature
  - o Control remotely
- System Shutdown – one-click shutdown of system
  - o Control by temperature and time
  - o Control remotely
- Safety Set Points
  - o Motor Overload, Bearing and Steam Temperature, Hydraulic and Steam Pressure
- Automatic Bearing Lubrication

**\*\*Optional Starch analysis using the RR Analyzer to control the RR2000 Automation System**



*Automation can  
reduce labor expenses  
by 60%!*

### Advantages:

- Complete operations of mills and steam chest
- Ability to set and maintain multiple flake weights for different grains
- Consistent cook of grains
- Dependable output quality
- Monitors and logs trends of operations of mill and steam chest
- Safety Set Points, auto shut down and overrides for safer operations
- Automatic monitoring
  - o Alerts for real time response – On Screen, email, or text messages
  - o Reduces time required to determine cause of issue
- Remote Monitoring – web enabled interface can be accessed from a computer, tablet, or phone
- Cost savings for utilities
- Spanish/English

**Features:**

- 15" Full Color Touch Screen
  - o Optional Remote Screen for display in control area or office
- System Operational Monitoring
  - o Roll motor amps
  - o Steam temperatures
  - o Product temperatures in steam chest
  - o Flaking time
  - o Daily Run Time
  - o Machine total run time
  - o Steam pressure
    - Header
    - Boiler
  - o Bearing temperatures
  - o Hydraulics
    - Oil level
    - Pressure
- Alerts – monitors full system
  - o Informational
    - Generated to advise of potential event
  - o Critical events
    - Generated for immediate action
    - Automated actions are taken depending upon specific criteria
  - o Alerts are displayed on screen
  - o Alerts can be sent via email or text messages
- Manual control of system via bypass
- Emergency shutdown safety button
  - o On Screen and Panel
- Logs motor and steam chest trends
- Fahrenheit/Celsius
- International configurations
  - o Spanish / English
- Web Enabled for remote monitoring and control
  - o PC, Tablet, and mobile phone



## R&R Analyzer

**Features:**

- Starch Analysis
  - o True starch analysis to manage the quality of the product
  - o Maintain precise starch availability via automatic input of scan data into the system
- Real-time results within 60 secs
- Provides analysis for multiple systems/mills
- Adjusts each system to reach targeted starch availability automatically
- Utilization of starch availability for flake production with the highest nutritional values
- Title each sample with a full description
- Analysis history
- Reporting of analysis data
  - o Single sample
  - o Multiple samples
  - o Date range
  - o Save to multiple formats
- Onboard diagnostics that maintains the system at optimum performance





# ***R & R Automation is the ONLY one in the industry that can automatically control Flake Weight by set points.***

## **R & R 1000**

### **Controls:**

- Able to Set Flake Weight
- Start/Stop Feeder Cabinet Control
- Start/Stop Roll Motor Control
- Auto Feeder Cabinet Control – speed up and down and shut off if empty
- Open/Close Rolls
- Safety Set Points – Motor Overload to shut down motors on over amp
- Control Flake Weight Automatically
- Multiple Pre-set Flake Weights
- Controls Roll Gap Side-to-Side
- Auto control Steam Modulation Valve
- Auto Steam Shut-Off During Power Failure
- Bearing Temperature Monitoring

### **Features:**

- 12" Full Color Touch Screen
- Monitors Roll Motor Amps
- Monitors Flaking Time
- Bypass Capable for Manual Control
- Alarm Light or Audible During Faults
- Emergency Shutdown Safety Button
- Logs Motor and Steam Chest Trends
- Optional Auto Control of Steam Modulation Valve
- Web Enabled for Remote Monitoring and Control

***We also offer training and ongoing automation support consultation.***

***Automation can reduce labor expenses by 60%!***

### **Advantages:**

- Full Operations of Mills and Steam Chest
- Able to set and maintain multiple flake weights for different grains
- Consistent Cook of Grains
- Monitors and logs trends of operations of mill and steam Chest
- Safety Set Points, auto shut down and overrides for safer operations
- Automation can reduce labor expenses by 60%
- Automatic monitoring
- Can be remotely monitored – Web enabled Interface can be accessed from a Computer or Phone
- Cost Savings for Utilities
- Spanish/English





## **R & R MACHINE WORKS**

P.O. Box 1330

1006 Liberal St.

Dalhart, TX 79022

Ph: 806-244-5686

Fax: 806-244-6096

[Sales@randrmachineworks.com](mailto:Sales@randrmachineworks.com)